REMARKS

Claims 14 and 27-31 are now in this application. Claim 14 is independent.

Claims 14, 16-19 and 26-31 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,530,264 (Kataoka et al.) in view of U.S. Patent 5,641,997 (Ohta et al.). The cancellation of Claims 16-19 and 26 in the Amendment After Final Rejection renders their rejection moot.

As was pointed out in the Amendment After Final Rejection, independent Claim 14 is directed to a photovoltaic element encapsulated with an encapsulant resin. The encapsulant resin comprises an ultraviolet absorbing agent dissolved therein, and the dissolved ultraviolet absorbing agent has a concentration gradient in the direction of thickness of the encapsulant resin. As recited in Claim 14, a concentration of the ultraviolet absorbing agent is higher at a location near a light incident surface of the encapsulant resin.

Kataoka teaches a photoelectric conversion device. The Examiner stated in the Advisory Action that no argument was made as to which feature of Claim 14 was not found in the cited art. In response, as was recognized in the Office Action, there is no teaching in Kataoka of the recited feature of Claim 14 that a concentration of the ultraviolet absorbing agent is higher at a location near a light incident surface of the encapsulant resin.

Ohta relates to a plastic-encapsulated semiconductor device in which a semiconductor chip is positioned between encapsulating sheets, which each have a surface that is highly adhesive, and one that is less so. In the Office Action issued February 28, 2002, the position was taken that Column 2, lines 53-61 would somehow render this feature, previously recited in Claim 26, obvious.

While Ohta discusses varying the distribution of an unspecified additive relative to the surface, Applicants have found no teaching or suggestion of having a concentration of the ultraviolet absorbing agent that is higher at a location near the light incident surface of the encapsulant region. The fact that Ohta discussed variation of additives in general does not in any way render Claim 14 obvious, especially in view of the fact that Ohta does not refer to an ultraviolet absorbing additive, and Kataoka does not discuss any advantages that would be obtained by the recited concentration variation of such additive. It is not enough that it would be *possible* to vary the concentration of the ultraviolet absorbing agent of Kataoka in the recited manner, there must be some teaching in the prior art, without referring to Claim 14 or the present specification, that would motivate one of ordinary skill in the art to actually make the modification. Applicants submit that no such showing has been made. Moreover, even if the teachings were combined, as discussed above, they do not meet the recited features of Claim 14. Any additional modifications required to meet the claim features must also be supported by a second level of motivation, which also has not been provided.

Applicants submit that in view of the foregoing, even when Kataoka and Ohta are combined, assuming such a combination was proper, the combination fails to teach or suggest the feature of Claim 14 that a concentration of the ultraviolet absorbing agent is higher at a location near a light incident surface of the encapsulant resin.

Accordingly, Claim 14 is believed allowable over any combination of those two patents.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 14, discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, and the amendments and remarks presented in the Amendment After Final Rejection dated May 28, 2002, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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